

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2026 INTEGRATED RESOURCE) CASE NO.
PLAN OF DUKE ENERGY KENTUCKY, INC.) 2026-00167

**DUKE ENERGY KENTUCKY, INC.’S REQUEST FOR WAIVER
PURSUANT TO 807 KAR 5:058, SECTION 3**

Now comes Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company), pursuant to 807 KAR 5:058, Section 3, and respectfully requests the Kentucky Public Service Commission (Commission) grant a waiver of the filing deadline established by the June 4, 2025 Order in Case No. 2024-00197 (Final 2024 IRP Order)¹ to permit the filing of its next Integrated Resource Plan (IRP) within forty-five (45) days of the issuance of the final rule in Environmental Protection Agency (EPA) Docket No. EPA-HQ-OAR-2025-0124, which is expected to be considerably earlier than the Commission-ordered deadline of June 21, 2027.² Pursuant to 807 KAR 5:058, Section 3, requests for waivers must be filed ninety (90) days prior to the date established for the IRP filing, resulting in a request for waiver to be filed by March 23, 2027. In support of this Request, Duke Energy Kentucky respectfully states:

1. Pursuant to 807 KAR 5:001, Section 14(2), Duke Energy Kentucky is a Kentucky corporation originally incorporated on March 20, 1901, in good standing, and a “public utility” as that term is defined in KRS 278.010(3), and, therefore, is subject to the

¹ *In the Matter of the Electronic 2024 Integrated Resource Plan of Duke Energy Kentucky, Inc.*, Case No. 2024-00197, Order, p. 1 (Ky. P.S.C. June 4, 2025).

² *Id.*

Commission's jurisdiction. Duke Energy Kentucky is engaged in the business of furnishing natural gas and electric services to various municipalities and unincorporated areas in Boone, Bracken, Campbell, Gallatin, Grant, Kenton, and Pendleton Counties in the Commonwealth of Kentucky.

2. Pursuant to 807 KAR 5:001, Section 14(1), Duke Energy Kentucky's business address is 139 East Fourth Street, Cincinnati, Ohio 45202. The Company's local office address in Kentucky is Duke Energy Erlanger Ops Center, 1262 Cox Road, Erlanger, Kentucky 41018.

3. Pursuant to the Final 2024 IRP Order, Duke Energy Kentucky's next IRP is due to be filed *no later than* June 21, 2027.³

4. Duke Energy Kentucky desires to file its IRP within 45 days of the issuance of the final rule in Environmental Protection Agency (EPA) Docket No. EPA-HQ-OAR-2025-0124, which is expected to be considerably earlier than the Commission-ordered deadline. While the filing of this IRP is consistent with the Commission's Final 2024 IRP Order in that the Company's IRP will be filed before the June 2027 deadline, nonetheless, the Company, in the interest of transparency seeks a waiver to the extent necessary to file early. Good cause exists for this waiver because since the preparation and filing of the Company's prior IRP, environmental regulations and energy markets have changed significantly. Specifically, and most importantly, on June 17, 2025, the EPA published a proposed rule that, if approved, would significantly modify its interpretation and enforcement of Section 111 of the Clean Air Act.

³ *Id.*

5. Among other things, the EPA proposes to:
- repeal all greenhouse gas (GHG) standards for fossil fuel-fired power plants;
 - make a finding that GHG emissions from fossil fuel-fired power plants do not contribute significantly to dangerous air pollution within the meaning of the [Clean Air Act]; and
 - as an alternative, to repeal a narrower set of requirements that include the emission guidelines for existing fossil fuel-fired steam generating units, the carbon capture and sequestration/storage (CCS)-based standards for coal-fired steam generating units undertaking a large modification, and the CCS-based standards for new base load stationary combustion turbines.⁴

6. The Company expects the final rule to be issued in summer or autumn of 2026. The resulting regulatory changes, whether as-proposed or not, will require the Company to conduct analysis to determine impacts to the Company's portfolio for planning purposes. Filing the IRP early will provide the Commission and stakeholders with timely information to evaluate the Company's resource planning strategies and ensure prudent utility operations. Accordingly, Duke Energy Kentucky proposes to file its IRP within 45 days after the issuance of the final rule in Docket No. EPA-HQ-OAR-2025-0124.

7. The requested waiver will not prejudice any party. To the contrary, an early filing provides stakeholders with additional time to review the IRP, submit

⁴ *Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units*, <https://www.regulations.gov/document/EPA-HQ-OAR-2025-0124-0001> (accessed June 9, 2026).

comments, and participate meaningfully in the Commission's evaluation process. All procedural requirements of 807 KAR 5:058 will be satisfied, and the early filing enhances regulatory transparency.

8. Granting this waiver is consistent with the purpose of 807 KAR 5:058, which is to ensure utilities engage in comprehensive long-term resource planning. An accelerated filing demonstrates Duke Energy Kentucky's commitment to proactive planning and provides the Commission with current data to fulfill its statutory obligation to ensure adequate, reliable, and reasonably priced utility service.

WHEREFORE, for the reasons stated herein, Duke Energy Kentucky respectfully requests the Commission grant this waiver and permit the filing of its IRP within 45 days after the issuance of the final rule in Docket No. EPA-HQ-OAR-2025-0124.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document in paper medium; that the electronic filing was transmitted to the Commission on June 18, 2026 that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that submitting the original filing to the Commission in paper medium is no longer required as it has been granted a permanent deviation.⁵

/s/Larisa M. Vaysman

Counsel for Duke Energy Kentucky, Inc.

⁵ *In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Case No. 2020-00085, Order (Ky. P.S.C. July 22, 2021).